Theoretically the territorial arrangement is one in which the villages of the ruling generation lie at the centre of the country, each surrounded by smaller villages of their sons, while smaller villages of old men lie on the boundaries. In practice—at least nowadays—the pattern is more complex, with old men's villages squeezed in between those of the ruling generation. From the time of its establishment as a separate chiefdom at the 'coming out', the future division of the country is adumbrated: there is a senior headman in each half of the country with villages subordinate to him, and the mother of an heir in each half. On the boundary between the halves stand the ritual trees, landmarks for all to see.

Age and locality coincide, while kinship cuts across local grouping, fathers and sons, and very often brothers, being in different villages. But kinsmen tend to be established in the same side of a country, and so to remain within one chiefdom. Kinship terms are extended in some measure to the villages of the chiefdom, which are classified as those of 'our fathers', 'our elder brothers', 'our young brothers', and 'our sons'. Women have no direct share in the age-organization: their membership of a village turns on their relationship to some man—father, husband, husband's heir—and the age-range of women within one village is very wide.

Villages vary considerably in size. Boys' villages, as we have seen, begin with a dozen members or less, and the villages of old men are often very small also; we knew one with only 10 households, another with 11. The villages of young and middle-aged men commonly vary between 20 and 50 households, with 30 as a fair average in the hills. In Mwaipopo's country there were 340 taxpayers on the roll and we recorded 13 established villages and 6 boys' villages.[1] Some members of the boys' villages, and some elderly men, were not on the tax-roll, so that the average was over 20 boys or men in each village. Villages in the plain are somewhat larger, averaging around 40 households.

Men's villages are usually subdivided into sections under the leadership of assistant headmen, appointed by the headmen of the village. These assistants do not share in the 'coming out' cere-

[1] Principles, pp. 18–9. The ten regiments are no guide to the number of villages there in those areas: villages are commonly grouped together as one under a senior village headman.

1: Wilson E. S (1934-1938) 1951 FN17 Ngonde FN17
Nyakyusa

many, and are clearly distinguished from those who do. Indeed they may be appointed at a considerably later date. The qualities looked for in them, however, are similar to those looked for in the village headmen, namely, wisdom in dealing with men, generosity, wealth, and the respect of their neighbours. They are expected to settle disputes, to pass on the orders of their chief or village headmen to the men under them, to entertain their neighbours, and 'to watch over the country by day and by night'. On the hot Lake-shore plain, where the cattle are brought in before noon to stand in the shade of the bananas and are protected from insects by the smoke of a fire specially kindled for the purpose, an assistant headman is called 'he of the heap of hot ashes' (*uyuo-fyowa*), implying that he is the leader of the group whose cattle are herded together. 'He of the heap of hot ashes' is responsible both for the cows and for their masters. 'If the cows give no milk he will call the ox friends and warn them that if there is a witch among them he will be driven away.' Again, the extent of an assistant headman's influence depends very largely on his personal popularity. 'The village headman chooses a man of wisdom and says: "Build here with your friends": he is there first, and, if he is charitable (*mulale*), more people will come.' Generally speaking the assistants are more important in the large villages of the plains than in the smaller villages of the hills.

The distinction between the sub-divisions of a village and two separate villages is theoretically quite clear for the villages of men, since each independent village has been formally established at a 'coming out' ceremony. But in practice the distinction is somewhat blurred, for large villages often split *after* the 'coming out' ceremony into sections which operate very much as independent villages. This became apparent when we analysed in detail the village of Mwaipopo's children (*vide* Document pp. 181-5) and found, besides the nineteen established villages, five village-sections which were treated in many respects as independent villages. Boys' villages remain somewhat fluid until the 'coming out'; but those offshoots of a parent village which have been closed to younger brothers may be regarded as separate villages.

Boys build their huts close together and plant bananas round them (*vide* Plate II). Then, as they grow older and marry, they build larger huts and space them further apart, but the homestead

POLITICAL ORGANIZATION

Only the Ngonde, the Nyamwanga, and the Iwa seem to have had any paramount authority. Of these, only that of the Ngonde has been described in detail. The Nyamwanga had a paramount chief, the Mukoma, living over the border in Tanganyika. Under him the Northern Rhodesian Nyamwanga were always ruled by his sister, the Watesha; directly under her were the headmen of villages. The Mukoma used to appoint his own sons or selected friends to be headmen of the larger villages. A ceremonial tribute, mainly fish, was sent by the Watesha to the Mukoma, and the latter could also command annual labour in his gardens. The Iwa also had a paramount chief, Kafwimbi, who recognized common ancestry with the Mukoma but paid him no tribute. His country was divided into two sections, under two sub-chiefs, Mpanga and Tembo. The succession to the chieftaincy is normally the same as commoner succession, i.e. brothers, then sons of the deceased, but the order need not be rigidly adhered to.[1]

Nyonga Traditional System

The section on history briefly indicated the position of the Kyonga. He was wealthy, owing to the ivory trade, and used his wealth to maintain political links with the chiefs and nobles of the country. At the same time he was kept to strict religious seclusion, and the real government of the country was in the hands of the nobles of Ngonde, a group of hereditary nobles, descendants of the original companions of the first Kyonga. The relations of the great chiefs (descendants of sons of Kyongas) and the territorial nobles to the capital allowed of considerable local autonomy, the Kyonga's prestige being mainly religious. Each territorial noble was succeeded by one son, each chief was succeeded by two or more sons, so that the chiefdoms tended to supplant the territorial nobles in importance and number, and the junior branches of the house of any one great chief formed a hierarchy based on descent. The great chiefs, at their accession, were recognized by the Kyonga with gifts of cloth, and they brought the junior chiefs of their house to perform homing service, mikoa, for the Kyonga. Afterwards the junior chiefs performed mikoa for their great chief, and were similarly rewarded with entertainment. The great chief might invite the territorial nobles in his neighbourhood to accompany him in performing mikoa, but he could not command them as he could his junior chiefs. Apart from recognizing a certain authority of superior chiefs in judicial matters, and the right of the latter to command them to live, or to war, the junior chiefs had almost complete autonomy in their chiefdoms.[2]

Each chief had a traditional right to demand from his own subjects milk and tobacco if he needed them, and to seize any man he pleased if he desired the site for his personal use or to give to a Headman (not to a commoner), offering the original tenant another site.[3]

The chiefdoms[4] consisted of a number of age-villages, elder and younger sons living apart with their own contemporaries. At the head of each age-village was a headman (called 'great commoner' by Wilson) chosen from among the villagers by the chief

[1] Continued, [illegible]

[2] Brief, [illegible]

[3] In the absence of information I do not know whether the following descriptions of Ngonde and Nyakyusa chiefdoms and age-villages is equally of a native application.

[4] Wilson, [illegible]

and the great commoners of the most senior villages. The constitution of a chiefdom was that of a limited monarchy, for the chief was dependent on his great commoners for his authority. All the way up the scale, with the exception of the Kyungu himself, each chief had his own great commoners and people directly subordinate to him. The organization of families and villages within the chiefdoms was the same as that of the Nyakyusa, but the organization of a territory ruled by a noble differed in that although there were always at least two age-villages, there were no great commoners.[1]

Villages vary in size, and average from forty to fifty households. In the first instance a boys' village is built on ground allotted to them by the village of their fathers, but a new dimension is made conspicuously at the 'coming out' ceremony of the young chiefs, when the old chief and his great commoners formally allot a tract of land to each village of young men, and redraw the boundaries.

In every generation each chiefdom was divided into two (they were originally immigrant groups expanding their territory, and incorporating previous inhabitants). The chief at his accession, or 'coming out', married two 'great wives', whose eldest sons would each be one of his two heirs, and divide his chiefdom. The number of villages which 'came out' with each young chief varied between four and eight. If he was later reduced to a minor position he might be left with only one village of adult men, and one of their sons, as people tended to move away from minor chiefdoms. This was the system which obtained among the Nyakyusa and also among the Ngonde.[2] A summary of the 'coming out' ritual is given here, instead of in the section on ritual, as it indicates some of the features of the political organization.

Usually eight age-villages 'came out' at the same time, four under each of the young chiefs. In this account, some thirty years after the old chief's accession, eight new great commoners were chosen. The two young chiefs were secluded in a low house in the hut of the old chief's first wife, and received magical treatment. Then they 'came out'. The boundaries of the age-villages were freshly drawn. After the 'coming out', each young chief, whether he was already married or not, married his two great wives, whose first sons would be his heirs. Girls who had not yet reached puberty were carried off from other chiefdoms with a show of force by the chief's men, who later sent some of their sons to negotiate the position. The girls stayed at the house of one of the old chief's great commoners. They were initiated together, not at the house of their fathers, but in the country of their husbands; the old men and women of the country (correspondents of the young chief) played the part usually played by the girl's parents and neighbours; the chief and his young men playing the usual part of the husband and his friends. After the ceremonies the girls were given as wives to the young chiefs, and separate huts were built for them in the two senior age-villages of the chiefdom. Wives married subsequently were attached in order of seniority to one or other of the two 'sides' of the chiefdom. Thus the four age-villages normally attached to a young chief were, from the first days of his official marriage, divided into two. If one of the two great wives bore no sons, the succession for that side of the chiefdom would pass to the son of the next senior wife of that side.

Between the 'coming out' of two young chiefs and the death of their own father, a delicate balance of prestige and power was maintained, similar powers over their own age-villages passing to each young chief, while the old chief remained named over the

[1] Wilson, p. 100 ff.

[2] Ibid., p. 108 ff.

[illegible] senior elders of his own age-village and full supremacy in religious matters over all. Appeals to difficult cases might be taken from either of the young chiefs to the old chief and his great commoners. After his death, the wives and sons of the old chief were inherited by his full-brother, to whom also his religious authority passed. Full political power over their separate chiefdoms then went to the two sons. The great commoners of the old chief, relinquishing their secular functions to their successors, then entered on their religious duties as priests of the dead chief; the priesthood they handed on to their sons. When all the old chief's full-brothers were dead, the religious functions of chiefship passed to the young chiefs, who were then fully emancipated. The boundaries between their chiefdoms, settled at the 'coming out' ceremony, were sometimes modified by warfare.[1] The age-village is still the chief field of friendship, members recognizing greater obligations to each other than to outsiders; before the European administration the village was also a military unit.[2]

[illegible] The great commoners of every village was very powerful, and measures existed to check his influence; for instance, no kinsman of a chief or son of a great commoner could be elected to that office. His duties were to be hospitable to the villagers, judge their cases, lead them in war, and officiate at their ceremonies. He represented their wishes to the chief, and through him and in consultation with him the chief gave his orders. Each great commoner was believed to be able to protect his own villagers from witchcraft.

Warfare

[illegible] A state of war—actual or potential—always existed among the various Nyakyusa chiefdoms. Among the Ngonde, also, civil war was endemic, the Kyungu neither preventing it nor taking any part. In tribal warfare he did not remain impartial, but gave orders and told the chiefs to pray. They first called on the sacred graves of the buried Kyungus, and then each great chief called on his own predecessors for help. Although the territorial nobles also fought, they did not pray to their ancestors, for tribal war was carried on under royal auspices alone. War was an important source of revenue in cattle and slaves. The recurrent civil wars of the period before the Ngoni invasion show that in spite of the hierarchical façade the centralized political organization was not strong enough to overcome the local autonomy of the chiefdoms, except in the face of a common danger, such as the threat of Bemba or Ngoni invasion.[3]

[illegible] [illegible]

[illegible] There was no central court of appeal at Wiwanda to which the ordinary man could bring cases down, or appeal against the decisions of his local chiefs. At the capital he only came into contact with the nobles of Ngonde were cases of treason against the Kyungu (mainly adulterous approach to his wives), which were summarily punished by death. They also used the Kyungu's authority in punitive expeditions against insubordinate chiefs. Each noble of Ngonde decided his cases in his own hall. Each great chief held an appeal court to which came from all the chiefdoms of his house cases, for if all the descendants of the Kyungu the great chiefs alone had power to administer the poison ordeal. Some of the territorial nobles also had the power. It was reserved to use only in witchcraft cases, but in appeal cases when evidence for a legal decision was lacking.

[1] When a [illegible] [2] [illegible] [3] [illegible]

5:Wilson E-5 (1934-1938)1938 FW17 Ngonde FW17
Nyakyusa

incorporating the previous inhabitants. Now saturation point has been reached; their chiefdoms cover nearly all the available land and include in their membership all the indigenous people; and the custom of dividing chiefdoms into two is doomed. At the moment, however, it is still a vital part of their constitutional law. The division of a chiefdom is apparent from the moment that a ruling chief marries his two great wives, for he builds their houses separately, one to each "side" (ubuhyde) of his chiefdom. The son of each great wife inherits that side of the chiefdom to which his mother's house is built.

When the ruling chief begins to get old the two boys are ceremonially "brought out" and recognized as chiefs, though they do not assume full powers until their father's death. And their "coming out" is also the "coming out" of all the young men, of all the boys' villages which have been built by the sons of the old chief's sons. At the "coming out" each such village is formally given land by the old chief and his great-commoners, often in a new place.

In every village there is a headman whose title, ubilama, is simply a specialized use of the general term for a member of an old family who is not a chief. Every commoner is called an ubilama to his home chiefdom.[1] These two uses of the term I distinguish by calling the village headman a "great-commoner." Great-commoners, then, are selected for their wealth and ability by the older great-commoners of the chiefdom and hold office for life. In the boys' villages before the "coming out" they are chosen by the older great-commoners—those in charge of their fathers' villages—on that side of the chiefdom. If they prove satisfactory their appointments are confirmed by all the great-commoners of the old chiefdom at the "coming out." If not new ones are then selected.

At the "coming out" the young great-commoners are ritually treated with medicines to give them the power of witchcraft which they are expected to use in the interests of morality, while the young chiefs are treated with medicines to make them fierce and impressive themselves and to ensure the fertility of their land and the prosperity of the people under them.

Traditionally the young chiefs assumed authority, each in the young men's villages which composed his own new chiefdom, immediately after the "coming out" and in the old villages in one side of his father's chiefdom when his father died. To-day the position differs for the Administration does not recognize the young chiefs at all until their father is dead.

The separation of chiefdoms established at the "coming out" is often modified subsequently. In the old days brother chiefs frequently

[1] See table p. 10.

1:Wilson E-5 (1934-1938)1938 FN17 Ngoade FN17
Nyakyusa

fought each other and one was sometimes reduced to a subordinate position by the other. Such subordinate or minor chiefs did not always lose all power, some may often continued to live with them, but not many, for they were poor and could not afford the feasts that prosperous and powerful chiefs gave to their warriors. Nowadays the junior of the two young chiefs, in the majority of cases, becomes subordinate to his brother immediately, for the Administration normally recognizes the senior of the two only, and a salary is paid to him down on the old chief's death.

The number of villages which "come out" with each young chief usually varies between four and eight. But if a chief is subsequently reduced to a minor position he will often end his life with one village only of which men and one village of their own. For people move from minor chiefdoms and the depleted villages that are left gradually coalesce under the leadership of one of the great commoners. The son of a minor chief may succeed to his father's position, but only one son will do so; a minor chiefdom is too small to be divided and has no formal "coming out" of its own; its young men attend the "coming out" of the superior chiefdom.

So much to outline for the political constitution of the separate Nyakyusa chiefdoms. Some account of it was a necessary preface to the discussion of individual land rights, since it is within this political structure that they have validity. If, for example, the boundaries of a village are changed at the "coming out"—and they very frequently are—then no individual rights to village land can be maintained outside the new boundaries.

Prior to the arrival of the European here was no paramount political authority among the Nyakyusa, but a number of tiny independent chiefdoms side by side, with minor chiefdoms in some cases attached to them. Of these traditionally independent chiefdoms there is now, I think, which to-day exceeds 1,000 adult male members, and most of them are far smaller than that. This smallness of scale, which is difficult at first for a European to grasp, is the fundamental characteristic of primitive society, in the organization of which personal relationships are predominant, wherein social relationships, that is, mainly relate between personal acquaintances. In the old Nyakyusa polity impersonal relationships, effective social bonds linking together men who were personally unknown to one another, though they existed had relatively little importance.

Just south of the Nyakyusa, in what is now North Nyasaland, live the Ngonde people, whose language and culture was and is very similar to that of the Nyakyusa. They were, however, slightly more civilized in that they were in closer contact with Arab and Swahili ivory traders, and

[1] Some known as Europeans as Arab.

S.Wilson E-5 (1934-1938)1938 FN17 Ngundo FN17
Nyakyusa

In discussing the taking up of land after a move it is therefore necessary to distinguish clearly between men who move to villages in which they are newcomers and those who return, after a period of absence, to their home villages.

Normally land for building and gardens is granted to a stranger by the villagers concerned acting through their great commoner, not by the chief, who is usually informed but seldom interferes. Only if a member of the chief's own family is moving within the chiefdom from one village to another or if a very important stranger comes from outside, he may go to the chief and ask for a building plot, and the chief may then exercise his right of overlordship and grant the request. But this is a special and unusual case. Village land is primarily governed by village relationships. It is villagers who grant land to an ordinary newcomer and formally accept him as one of themselves. His own wishes are taken into account wherever possible; if he sees a piece of ground which attracts him and no one else has a claim to it then it will be his.

An old Kukwe great commoner thus explained the granting of land to a stranger: "Firstly the stranger from another country comes to a friend in this village and says that he wishes to build here, then the friend brings him to me, the great commoner,—or he may come directly to me in the first place; and I go and tell the chief. Then the chief, according to the old custom, would say 'Good! Go and cut a banana bunch for him,' and I would cut a banana bunch from my own homestead, not from anyone else's, and the chief would send one of his wives to me with cooked food for our guest the stranger. This custom is now no longer followed in our country but in the more remote chiefdoms they still cut bananas and cook food in such cases; here the stranger now just comes and is not given anything. And again when he wishes to begin building we go and tell the chief, who tells us to give him a plot to build on, and then my friends and I choose a place for him." "Does not the chief have a say in choosing the plot?" I enquired. "No, not the chief; does he know the details of our land-rights? He does not. It is we who choose the place for the newcomer. But if he does not like the plot we give him and has himself seen a place which he prefers he will ask us for it and maybe we will give it him." "Do not people sometimes go directly to the chief to ask for land?" "No, they always come first to us, the commoners, not to the chief; how should a man presume to approach the chief by himself? No, a newcomer always approaches us, and it is we who inform the chief. I, the great commoner, may go alone to tell the chief or I may take the stranger with me, as I please." And a young Kukwe chief confirmed this, with perhaps a shade more emphasis on the part played by the chief: "The stranger goes first to the great commoner

S:Wilson E-S (1934-1938)1938 FN17 Nigeria FN17
Nyakyusa

and makes his request for land, then the great-commoner goes to the chief and informs him that so and so has come with a request for land, and he asks his opinion as to which place to give the stranger. Then the chief suggests that perhaps the great-commoner knows of a suitable plot. So the chief and the great-commoner discuss it together and decide. Then the great-commoner shows the plot to the stranger."

It is quite clear in my evidence that, though the normal custom is to consult the chief when a newcomer is given land, yet the newcomer's title is in no way invalidated if the great-commoner omits to do so at the time and simply tells the chief later after the grant has been made.

So much for the initial reception of a stranger and the grant of a building plot, the next step to the grant of garden land. But before discussing this we must emphasize the willingness with which strangers are received both by the villagers and the chief. They are still eager that land in more places and the prestige and prosperity of villages and chiefdoms is increased by such addition to their membership. Strangers are always given a house to sleep in while building their own and are usually given food as well, both formally by the chief and great-commoner and informally by the neighbours. The great-commoner who told me that the formal custom of giving food had lapsed in his country belongs to the chiefdom which adjoins Rungwe mission, a small chiefdom to which very considerable immigration has taken place in the last forty years; there the relative scarcity of land is reflected in a decline of hospitality to newcomers, though none have yet been refused land. But the usual custom still is to receive them generously. "It is an ancient custom amongst us to welcome strangers, so that the chiefdom may increase and flourish."

In giving garden-land to a newcomer the procedure differs slightly according to the value of the land in question. The great-commoner takes him out and shows him, if the land is scarce and valuable, an exactly demarcated piece, if it is cheap and plentiful, a vaguely defined area within which he can live where he likes. In the upland chiefdoms, for example, the best maize and bean plots are scarce; men live on the same ground year in year out, planting maize and beans alternately in it or, sometimes, maize only with an interval of a few months fallow each year; and in this case the boundaries of each man's ground are precisely marked. But in the growing of sweet potatoes and millet there is plenty of good land available and men live more or less where they please. "A stranger named Tandalogo," I was told, "came to the village of Shungilo (in Kaleve country). Amongst other things he asked for a maize garden, so they gave him the ground of a man Mwasambi who had moved to Mwaka. They told Tandalogo that he could live only the same extent of ground

1:Wilson E-6 (1936-1938)1938 FN17 Ngende FN17
Nyakyusa

as Mwaseculi had, because there were some other main gardens adjoining it. The other land he asked for was not near anyone else's gardens, so he was told that he could live just where he liked."

Such is the custom of giving land to a newcomer, whether he comes from a different chiefdom altogether or from another village of the same chiefdom. He has no claim to any particular land but the villagers welcome him gladly and give some to him. If, however, a man returns after a period of absence to his home village then he has a claim, varying in strength in different circumstances, to enter again into possession of his old building site and gardens. But his claim is never an absolute one, it depends upon his relationship to the villagers and to the chief; they it is who decide it.

Let us first consider building sites. If a man moves from his home village leaving his house standing there and another is given the site, and if he returns before the house has fallen into disrepair, before it has had to be rebuilt, then the occupier will be evicted in his favour, the villagers will always admit his claim to that site. But only, of course, if they are in general prepared to have him back in the village; if he has been expelled for witchcraft or some other serious crime he has no possible claim at all.

When men move and leave their houses behind it usually but not always implies an intention to return in a few months. If they move because of sickness and the suspicion of witchcraft men are often invited back, as we have seen, and sometimes they accept the first invitation; and then, if they and their families remain healthy, all is well. If a more permanent absence is intended from the first then the normal custom is to pull down the house and to carry the bamboos with me.

A young Kukwe great-commoner gave me from his own experience an example of the eviction of a man in occupation of another's house: "While my father was alive I fell sick and moved to Mwaseculi's country leaving my house behind without taking it down. And I returned quite soon again, I was not a year away. But meanwhile, when I first moved, a stranger came and was put into my house, he was not told that I might be returning; so he went into my house—but as he was a bachelor the house was too big for him. Afterwards my friends remembered me and went to bring me back, and I came with them; and I said that as another man had been put into my house and as I was myself an owner of the soil (i.e. he was the son of an old family and so had the right to choose any unoccupied plot for himself anywhere he pleased) I would build elsewhere. But they would not hear of it and said that I must go back to my own house. So they informed the newcomer that the owner had returned and gave him another place."

§ There is a kind of [illegible] to the same effect:

S.Wilson E-S (1936-1939)1938 F317 Ngunde F317
Nyakyusa

K6
423
425

" Kalonga had moved from the country of Lwanda to Mambo and other people had taken his ground and lived in it. It is the kind of ground which we call *unfinished*, *rich* and *new ground*. Kalonga had moved because of illness, several of his children had fallen sick and more than one had died. After he moved his neighbours never went to invite him back.

K6
423
425
427

" Now Kalonga himself did not come back to live, but he brought back his mother. She had gone with him, but then she began to complain that he had taken her to an unpleasant country and she would prefer to go home; so he came back just to build a house for her. He did not build for her in his old village but asked another great commoner (of the same chieftdom) for a site; he did however go to the chief to reclaim his old garden (the *unfinish* to which we have already referred). Now four men had divided the ground between them; they had approached the great-commoner and asked for it and he had referred them to the chief, fearing that he might be blamed for giving the ground away if Kalonga should return subsequently. And the chief agreed that they should take it, so as not to let it lie idle.

" So when Kalonga came and reclaimed it the chief pointed out that he had moved and left the country (and so had no claim to the land). But no, Kalonga replied, he had not moved, for as he had brought back his mother and built a house for her, which was exactly equivalent to living in the chieftdom himself. And the chief admitted his argument and agreed that, as soon as the present holders had reaped their standing crops, he should re-enter into possession of his own ground. So now Kalonga comes regularly with his younger brothers and they hoe the land quickly (being many) for their mother and go home again. Kalonga is of an old family and his father is buried in that chieftdom."

K6
423
425
427
428

And finally the story of Enock the son of Mwakajitiko, another Kyaiwa, well illustrates the more limited rights of a son to claim his father's old gardens which he himself has never lived.

" Mwakajitiko built in the village of Ibungila, and he died there in 1928. He had three sons, all of whom moved after his death; one of these sons, whose name was Enock, went and built at Kyimbila; and meanwhile the chief gave the garden land of Mwakajitiko to other people. Part of this land was cultivated by a commoner named Gwanilya but he too, later on, moved into another chieftdom and the land was left unused. Then Enock returned to the country to find that no one was now hoeing the ground which his father had used to hoe, so he approached Mwangwikile, the great-commoner, and asked for it: " As no one is hoeing your father's land," Mwangwikile replied, " you may go and hoe it yourself, but there are some other men who want it and they have already asked me for it, so I must divide it between you." So he went with them and marked

S/Wilson E-6 (1934-1938)1938 FN17 Ngonde FN17
Nyakyusa

out boundaries, drawing lines on the ground; he divided the land into three portions, one for each. The others were strangers to the chiefdom but had taken a fancy to that piece of land."

The sentence in this story "The chief gave the garden land of Mwakajileke to other people" deserves remark for it in no way implies any other custom than the one we have previously described. And it illustrates the dangers of relying too much on verbal statements of custom. When a stranger is given land by a great-commoner after reference to the chief he is commonly said to have been given it by the chief. The chief, from one point of view, is the overlord and the great-commoner acts for him. But, and this is an essential qualification, the great-commoner nearly always so acts for the chief and, save exceptionally, it is wholly incorrect for the chief to grant land directly. The great-commoner acts not only for the chief but also as the representative and leader of the villagers; and in relation to them the chief cannot exercise his rights of overlordship save occasionally and in particular circumstances.

The old Kukwe great-commoner whom we have already quoted explained this to me very clearly: "Occasionally one of his own men will ask a chief to give him ground to live in another village, 'If indeed you say that the land is yours!' (challenging the chief to assert his right of overlordship). Then the chief agrees that all the land is most certainly his; but still, if it is possible, he tells the man to go to the commoners of that village and ask them for land. If the chief does not do this (but makes a direct grant of land) we blame him for not being a true chief: "Who is it," we ask him, 'that has built up this country? Did you do it all by yourself? It is we the commoners who have built it up! And how is it, then, that you give this man land without consulting us!'" Nor is the concern of his people mere idle talk for a Nyakyusa chief, he knows that they may bewitch him, that the witches among them, led by the great-commoners of the several villages, may come in dreams at night and cause him to sicken or to die.

So much for the initial grants of land to newcomers and the rights of men returning to their home chiefdoms. If a man goes back, after moving, to a chiefdom which is in no sense his home, where, that is to say, he is not a member of any old family but in which he has himself spent some years, he is treated as a newcomer. He is welcomed but he has no rights to the ground, whether building-site or gardens, which he previously occupied.

Once established in a village, however, any man can lay any uncleared ground within its borders and thereby make it his own. A newcomer for

5:Wilson E-5 (1934-1938)1938 FN17 Ngonde FN17
Nyakyusa

622
554

paid out of the Native Treasury from the taxes, rarely exceeds 10/- a month it may be doubted whether modern conditions are not in this, as in other respects, impoverishing the Nyakyusa chiefs.

622
425
PR

A chief had the right traditionally to evict any man he pleased if he desired his site for his own personal use, giving him another in exchange. But this right is no longer effective: "It is now at an end," as a chief's kinsman told me, "for the man evicted will go to Tukuyu (the administrative capital of the district) and complain that his chief is turning him out of his home without good cause." It is however still perfectly possible for a chief to take any unoccupied site he pleases without reference to the local villagers. He may take it for himself or he may give it to a kinsman, and no objection to such an action on his part is ever raised. It is only if he gives it to an ordinary commoner that his people will criticize him.

622
426

Land once held by the kinsman of a chief at the latter's gift is more secure to him than any land can be which is granted in the ordinary way by a great-commoner; for no one but the chief himself can ever finally take it from him. If he moves and the villagers wish to give the site to a newcomer then they must either send a message after him and ask his permission to do so or else get explicit permission from the chief, if the newcomer's title is to be in any way secure.

622
425
624

A case within my own knowledge well illustrates these points: Mwakobela, half-brother of chief Mwaipopo, had been given land in the village of Ipoma by Mwaipopo himself. Subsequently he had moved to Kibonde, a minor chiefdom under the jurisdiction of Mwaipopo, and had spent many years there; and when I first met him he was living there still. But then he fell sick and, suspecting witchcraft, decided to return to Ipoma, only to find his old building-site occupied. For the great-commoner of Ipoma, thinking he had moved for good, had given it to a newcomer.

This grant of land to the newcomer had been irregular in more ways than one: firstly Mwakobela's permission had not been asked, secondly no reference at all had apparently been made to Mwaipopo, who subsequently denied any part in the grant and, thirdly, the great-commoner had not even consulted his fellow villagers; if he had done so they would, so one of them told me in discussing the case, have reminded him of the necessity of first asking Mwakobela's permission. The newcomer however had been given the site unconditionally and when Mwakobela reclaimed it he refused to move; but the rights of Mwakobela were unquestionable and he had no difficulty at all in getting him evicted.

I went to visit Mwakobela a few weeks after he had taken possession of the site and he told me about the eviction: "I approached the great-commoner and asked him who had given Mwangesiye (the newcomer)

S.Wilson E-5 (1934-1938)1938 FN17 Uganda FN17
Nyakyusa

425 permission to build on my plot, perhaps, I suggested, it was Mwaipopo
622 (the chief). But no, he told me, it was not Mwaipopo but he himself
624 who had given the permission, and he said, further, that Mwangesiye
would have to move, as I wished to come back, and that he would give
him another site. But Mwangesiye refused to move and said that the
place was his. So the next thing was that, at a funeral . . . . . I asked
Mwaipopo who it was that had given my plot to this Mwangesiye who
now claimed it as his own and made as if I had never built there, perhaps
Mwaipopo himself had given it to him. And all that Mwaipopo replied
was no, he had not done so.

"Then I simply brought my sons with bamboos and told them to
begin building. Off goes Mwangesiye to Mwaipopo! "Mwakobela,"
he complains, "is driving me away from my home!" "Who gave you
the plot?" asks Mwaipopo. "The *great-commoner* gave it me."
"And what does he say now?" "He says I must move." "Well then
you had better move!"

"And then, next morning, Mwangesiye came to me and said "My
friend I was wrong, the place was always yours, I will move; but the
hanging bananas and the coffee trees I shall take with me." "Why
certainly," I replied, "you may cut the banana bunches and transplant
your coffee trees, I shall not object." Thereupon the *great-commoner*
offered him another site with bananas already growing on it, but he refused
and said that he intended to return to live in the chiefdom from which he
originally came.—And now his sons have carried away his house and there
is only left that one hut over there (pointing) which they will take away
shortly, and then later they will transplant his coffee trees also."

It was made abundantly clear to me that the important point was the
fact that Mwakobela had originally been given the land directly by
Mwaipopo, the chief; had he been given it in the ordinary way by the
great-commoner with Mwaipopo's concurrence he would have had no
claim on it at all. A member of the village of Ipoma explained this to me
very lucidly: "If, in the first instance, Mwaipopo had not made the
grant, if Mwakobela had approached the *great-commoner* and said that,
as the plot was vacant, he would like to build there and if the great-
commoner had agreed to this, then had Mwakobela later moved (as he
did) to Kibonde and spent many years there and had the plot meanwhile
been given by the great-commoner to Mwangesiye—Mwaipopo all the
time being in no way involved—then, if Mwakobela had returned and
claimed the plot, the great-commoner would not have admitted his claim.
If, in that case, Mwakobela had come to Mwangesiye and tried to evict
him Mwangesiye would have complained to the great-commoner, who
would then have addressed Mwakobela in some such terms as these:

9 Wilson E-4 (1934-1938)1938 FN1? Ngonde FN1?
Nyakyusa

"You, sir, are a chief" (Mwakibelo is one of the ruling chiefs' kinsmen, all of whom are entitled "chiefs") how then is it that you wish to drive men away? (For chiefs always desire to attract men to them!) Do you wish the two of us, you and I, to live together alone without any men? In the first instance you simply came to me and said that you wished to build here and I agreed that you should; but then you moved and I saw myself that you had built a new house and planted banana trees in another village and I supposed you had moved for good. Nor did you ever tell me that you might be coming back nor ask me to keep your site for you, you only told me that you were moving. So I cannot, as great-commoner, agree to evict Mwangoloya. I will find another site for you ..."

"But as it was," my informant continued, "the site had been granted by Mwaipopo himself. Mwaipopo had simply informed the great-commoner that he had given Mwakibelo a certain vacant plot in his village. And then the great-commoner was at fault in that he gave the plot to Mwangoloya without consulting his neighbours;[1] had he consulted us about it, and had he sent a message to Mwakibelo to ask his permission to give the vacant site to another man, and had Mwakibelo given the permission (he could hardly have refused it unless he were himself intending to return shortly), then again Mwakibelo would have had no power at all to evict Mwangoloya. The great-commoner would have disallowed his claim, pointing out that he had been informed at the time and had agreed to Mwangoloya's building there. It was owing to the failure to inform Mwakibelo at the time that he now has power to evict Mwangoloya."

"And supposing," I enquired, "that Mwakibelo had not been the younger brother of Mwaipopo, the ruling chief, but just a commoner, a stranger from another chiefdom, and supposing that now the law he had approached Mwaipopo in the first instance and asked for land, instead of going to the great-commoner, how would that have affected this case?" —"Well, in the first place, Mwaipopo would have brought the stranger to the great-commoner and the two of them, the chief and the great-commoner would have discussed together where to give him land and decide to give him a certain vacant plot." "And then," I asked, "if the stranger had moved to Kibondo and the great-commoner had given the plot to Mwangoloya, without informing him, could he then have returned later and evicted Mwangoloya, or not?" "No, he could not do so; had he attempted it the great-commoner would have disallowed the claim, asking

[1] It is, of course, never correct for a great-commoner to grant land without consulting his fellow villagers, but the point here is that, had he consulted them, they would have reminded him of the necessity of consulting Mwakibelo before making this particular grant.

him if it was to the due that the village should die out and leave him, the great commoner, without men? As he had served, the great commoner would have continued the place was presumably distasteful to him and it had now been allotted to another man. The claim would certainly have been disallowed."

The examples in this paper have been taken almost entirely from pagan families. For Christians the situation is very much the same except where they live actually on mission land, there they are tenants of the Mission concerned and pay rent to it. And Christians, wherever they live, tend to be more stable in their occupation of land, since they are not forever moving in fear of witchcraft.

7. CONCLUSION

I have striven in this paper to make the individual land-rights possessed by Nyakyusa to-day intelligible to the European reader and to demonstrate to him their determining factors. Of these factors the following are the most important. The Nyakyusa were until recently an isolated and primitive people and so bring with them into the modern world a legal tradition based upon small social groups. This tradition is being inevitably modified both in theory and practice under modern conditions, but not out of all recognition; for they are still a relatively isolated people and the system of indirect rule ensures them, in general, against arbitrary legal changes. Within their legal system individuals have, as in any system they must have, certain precisely defined and enforceable rights—among these rights in land.

Many kinds of land, however, are plentiful, though less so than of old owing to the growth of population, the opening of new markets for food and the recent introduction of ploughs. And this cheapness of land is reflected at times in a lack of rigour in the enforcement of rights in it which is unfamiliar to the European observer. Sufficient land for all is a fundamental condition of Nyakyusa society in its present form, which has no place for a landless man.

And, finally, the habitual movement of men with their families from one village to another to escape the witchcraft of their neighbours leads to a constant transfer of homesteads and gardens and is the main cause of difficulty in the administration of their laws of property in land and trees. This difficulty is greatest in the case of the newly introduced coffee trees which need continuous tending.

G.Wilson E-G (1936-1938)1939 F7(1) Nigeria F7(1)

that the royal stories of Nkanda may be described either as a group of small fiefs clustered together or as the capital districts of the Kyenga, to which the nobles of Ngonde acted as the great commoners, each in his own agro-village.

Besides the nobles of Ngonde and their own followers there lived at Nkanda men called *nakalata*, who acted as the personal messengers and police of the Kyenga. They were not hereditary officials but chosen for their speed by the nobles of Ngonde, who also gave them their orders. Anyone might become a messenger, the son of a chief, or of a commoner, or even a slave.

Of the customs of the hill folk and of the chieftains, of the language of Ngonde and Kamanga we know very little; but it is certain that in many of them different dialects were spoken from that of the plain and that their inhabitants called themselves (as they still do to-day) Sukwa, Wenya, Lambya, and so on, rather than "men of Ngonde." And these upland groups were much more loosely attached to the central power at Nkanda than were the people of the plain.

There is some evidence to show that, even in the early period, the six nobles of Ngonde did not always take the most immediate heir of a dead Kyenga to succeed him; during the middle period it is certain that they did not. The Kyenga had to be taken from the royal family but, within limits, the most suitable man might be chosen. And with the increase in the numbers of the chiefs the area of selection grew constantly wider. The constitutional methods of selection will be discussed in section five.

(4) THE MIDDLE KYUNGU: CIVIL WARS.

We must now turn to the rivalry between the chiefs of Ngalanga and Ngara. "Mwangonde begat Kalonga, Mpata,[2] and Mwanda. And they, when they grew up, quarrelled with the sons of Kanyemba: 'Let them move further off, they are only commoners, we object to their proximity!' So they made war on them and drove them fleeing out of Ngara with only a few men. Before this war began their father Mwangonde had forbidden them to fight and commanded them to be friends." We notice here a point, which will be discussed later in section five, that the Kyenga, though not themselves involved in the civil wars, yet had little or no power to keep the peace.

"Then the sons of Kanyemba went to the Ndali to make allies of them and they returned together and fought the sons of Mwangonde

---

[1] Cf. Section 5.

[2] Mpata (mid 19th) later took the name of Mwakasungula.

6: Wilson E-G (1934-1938)1939 FN17 Ngoude FN17

status it rightly belonged, he would at once fall down dead. And many stories are still told of such happenings in the past.

And besides this there was the fact that the Kyungu, being the richest man in Ngonde and in the most intimate contact with the ivory traders, could secure medicines from a distance, which had a greater reputation than local ones.

But, as in the theistic aspect of the religion of Ngonde there was considerable local and family autonomy, so also was there in the magical aspect; and here there was individual autonomy also. Lesser rulers had lesser magic than Mbande, but still it was magic. Ordinary chiefs, for instance, had magically filled calves-tails which gave their people military success. And every individual could go to a doctor and exchange a little of his surplus food for magic. Success in love and hunting, in warfare and legal disputes, good crops and good health—all alike, it was believed, magic could give.

(c) THE ELEMENT OF WITCHCRAFT

Both in Ngonde and among the Nyakyusa it was held that certain commoners had arisen in their stomachs which gave them the power of witchcraft (*uselesi* or *umangati*) and among those who had this power were the great-commoners of every chiefdom. Normally a ruling chief was spiritually protected by his great-commoners from the malicious attacks of other witches, but, if he did wrong, then the great-commoners, so it was held, would cease to protect him and join in the attack.

Now in many circumstances the great-commoners' power of witchcraft and the power of the chief's dead predecessors were believed to act together. The anger of witches and that of the ancestors were sharply distinguished in theory, but in practice they often coincided. The great-commoners, for example, not only had the power of bewitching their chief but also of appealing to his predecessors to punish him for wrong-doing; and on particular occasions they were often believed to do both at once.[2] And the nobles of Ngonde had similar powers in relation to the Kyungu.[3]

---

[1] *Uselesi* is normally used when the use of witchcraft is disapproved of and *umangati* when it is approved of by the speaker.

[2] A point of considerable theoretical interest is raised by the repeated statements of our best informants on these matters that it was because they were witches that the great-commoners had this power of influencing the chief's ancestors, that they went to the chief's ancestors in their capacity of witches and in the manner of witchcraft (i.e. by means of the snakes in their stomachs). But our evidence on this point is not yet conclusive.

[3] So we were told when we put the question; but it was never volunteered. It was the belief which the nobles of Ngonde had over the Kyungu in consequence of his magical flesh which was the more emphasized.

6:Wilson E-6 (1936-1938)1939 FW17 Uganda FW17

These two religious powers of the great-commoners in relation to their chief (or of the nobles of Uganda in relation to the Kyenga) were important for the balance of the constitution, for they provided a most effective check upon the actions of the chiefs. If a chief kept within the bounds of constitutional usage then any illness that he had would be attributed by the diviners to some such cause, as the infidelity of his wives or the breach of a taboo; but if he broke some constitutional usage then that would be taken to be the cause of his sore illness; the great-commoners, it would be held, were angry and so had made him ill.

It is hardly necessary to stress the loyal and individual autocracy implicit in the faith in witchcraft. Not only were the great-commoners as a group believed to have an irresistible power through their witchcraft over their chief, but so were the great-commoner and the leading witches of every village believed to have an irresistible power over other individuals within that village. And in both cases their powers were strictly limited, save exceptionally, by the bounds of chiefdom or village. Moreover witches did not always act as a group, an individual witch might maliciously cause another individual to fall ill. In all this the political hierarchy was irrelevant. But it was not irrelevant in dealing with accusations of malicious witchcraft; there proof existed with the poison ordeal and a journey had to be made to a great chief or a leading noble.

6. ECONOMIC ELEMENTS (MIDDLE PERIOD).

We have suggested in the previous section that the traditional religious paramountcy of the Kyenga and his nobles of Uganda was an important factor of their secular power. But comparison with the Nyakyusa shows us that their control of wealth was equally important. The religious paramountcy furnished a mould into which the ebbing stream of wealth could run and there be minted into the form of sovereignty. Much of the wealth which reached Mmanda did not stay there; it was passed back piecemeal to the local rulers of Uganda, stamped with the divine impress of the Kyenga.

(a) THE INCOME OF MBANDE AND OTHER AUTHORITIES.

Now the traditional income of Mmanda consisted of ivory, food, labour, slaves and cattle. Of ivory the Kyenga had a semi-monopoly in the plain and received tribute from the territorial nobles in the hills. Food was brought to him by the chiefs and territorial nobles of the plain, who also, with their men, hoed his public gardens (*mulima*). Slaves and cattle accrued to him from tribal wars and from his offending

moral rivals of those of Ngalenge; most of the traditional reasons which led them to accept the supremacy of a Kyengo of the house of Ngalenge, whenever one was elected, have now ceased to influence them; while they themselves, as we shall see in a moment, are now barred from the succession. Moreover the Kyengo's supremacy is now mainly operative in the unsentimental sphere of law. And so a new reason for admitting that supremacy has had to be more forcibly presented to them than to the other rulers of Nigeria.

Once forcibly presented, however, the new reason seems to have been admitted in place of the old one without much difficulty. For in 1936, the next year, Kiligwila spontaneously led his people to the Kyengo and formally handed over a cow to him, thereby re-establishing friendship and mutual respect between the two of them. The dispute has ended in a excellent harmony.[1]

It is relevant to mention here that in the first five months of 1937 only one case was taken on appeal from the Kyengo's court to that of the District Commissioner.

The general status both of the great chiefs and of the local chiefs and nobles (the "Important" and "Village Headmen,")[2] as also of the great commoners, has been radically altered by the new legal conditions. Formerly these authorities were the mainstay of a primitive justice, but to-day they could not possibly enforce any legal decisions without the backing of the central Government. And this backing they do not have. Their sphere of influence is so small[1] that it has not been thought worth while to give them any formal judicial authority; they are now mere arbitrators and all important cases go to court.

The modern constitution of Nigeria is thus more centralized than the old. The support of the Government is given to, and effective judicial power is concentrated in the hands of half a dozen men, with their own advisers. The new judicial functions of the Kyengo and the selected "Sub-chiefs" have, in fact, been transferred to them from the local rulers. Some such centralization was inevitable under modern conditions but the details are dependent upon the decisions of the Government.

(c) *PETER THE FORTUNATE.*

The wealth of the present Kyengo is not only due to his great personal abilities. For twenty years before his appointment as Regent (when he himself became the Kyengo in all but name) he was the full-

[1] This phrase begs no questions about private feelings, upon which we have no evidence.

[2] This is but one of the great chiefs (the "Important Headmen") then of the rest; and possibly an understanding of their status will alter the attitude of the Administration to them.

B. Wilson E-5 (1934-1936)1936 File? Ngoreko File?
Nyakyusa

621 In a village of married men each has one or more huts for himself and his wives, with houses round them; his homestead is close to those of his neighbours, while the main garden-lands of the whole group are at a distance all together. Boundaries between age-villages are not always apparent to a stranger, a solid hundred acres or so of forest and banana may turn out to consist of two or three villages, each with its own organization, and each having a block of garden-lands separate from the others.

622 In each village of married men, and usually in the older boys' villages as well, there is an appointed leader or great commoner (*ulifumu*) who is originally chosen for the position by the great commoners of the senior age-villages of that chiefdom. They try to select a man who is wealthy, who comes from a respected family, who has personal ability in judging cases, who is popular with his fellows, and in the old days they looked also for qualities of courage and the ability to lead men in war. I think, though my evidence for this is as yet only circumstantial, that they also require certain believed spiritual qualities in a man, the power to recognize and to counteract oppressive witchcraft.[1] The qualities which the selectors look for in choosing a new great commoner are the clue to his functions. He is usually extremely hospitable to his neighbours, to judges their cases, he is their leader at ceremonies and in the old days he led them in war also. He represents their desires to the chief and it is through him and in consultation with him that the chief gives orders. Finally each great commoner is believed to protect his own villagers from oppressive witchcraft, to shield people and cattle from the spiritual forces of evil.

So important is this position of great commoner that legal presumptions are taken [illegible] to prevent the great commoner becoming a chief [illegible] as several informants have put it to me. It is illegal to choose a great commoner from among the kinsmen of a chief, it is illegal to elect the son of a great commoner to that office in any age-village of his own contemporaries, though he may perhaps inherit the position in his father's village where his father died.

623 The relationships which arise from common membership of an age-village are continually apparent in the Nyakyusa culture. Ceremonies and funerals are not only meeting places for relatives but also for the age-villagers; the great commoner in consultation with members of his village grants land and grazing rights to strangers who ask for them; and

---

[1] It is possible that this power is believed to be induced by magic here, I am not sure.

When the three sons of his contemporaries reach the age of about [illegible] 20-30 years the old chief is approached by his great commoners who say: [illegible] "The sons have grown up, let us make the 'Coming Out' for them." After a period of delay, for he is unwilling to relinquish his own honour and power, the old chief agrees, and the 'Coming Out' takes place. He then hosts, together with all the boys and young men, whether married or single, who are sons of the old chief's contemporaries, are summoned to attend, according to their age-villages, at the old chief's principal house. When they arrive they wait there for two days, while the old great commoners discuss with their chief where to give the young men land, and whom they will select as great commoners of the young villages. We have already noted the principles which guide their choice of leaders. In many of the young village groups there are already leaders who have been previously appointed by the old great commoners, but these leaders are, I am told, only temporary, they are never re-appointed at the 'Coming Out'; at the 'Coming Out' everything is made new, the boundaries of the young age-villages are redrawn, and new great commoners appointed in them; only the groups of young men themselves remain unchanged.

The legal action which now takes place comprises three events: firstly the public selection of new great commoners, secondly the public appearance and the public recognition of the two young chiefs, and thirdly the giving of land to the young age-villages.

When the old men have made up their minds, one of them goes [illegible] among the crowd of young men and carries hold of them they have chosen in order of their seniority: First the one who is to be leader of the senior village of the first son of the old chief, then the leader of the senior village of his second son, then the leader of the next senior village of the first son, and so on. There are usually eight age-villages of young men, of these four will belong to the childdom of the first son, four to that of the second. The eight new great commoners are now publicly known, four in each new childdom.

The next stage of the action is the one from which the whole institution [illegible] takes its name: the "Coming Out." The two young chiefs are secluded for a few hours in the hut of the old chief's first wife, there they receive certain forms of magical treatment and when it is finished, "then," to quote the words of a great commoner who told me about his own [illegible] coming out, "the director of ceremonies said: 'Get up!' the chiefs got up, and came out of the house to us, and we, the crowd of young men, said: 'Come on!' and welcomed them. Then we all ran shouting and calling the war cry towards the next childdom. In the old days we would

B: W Geen E-5 (1934-1936) 1936 FN17 Ngonde FN17
Nyakyusa

691
678 all, hunting is organized like warfare and fishing is a joint endeavour, both ordered by the chief.

677 Every chief has a title of ownership (ubwene mabi) to the land of his
622 chiefdom and can evict any man he pleases, (giving him another plot), if he wishes to build there himself; but his people also have titles of ownership to it, both collectively, under the leadership of the great commoners, and individually, each man to his own ground. It is the great commoners who, in consultation with their neighbours, give to the sons of each village land on which to build; it is they who, together, finally fix the boundaries of that young men's village at their "Coming Out;" it is they who, again in consultation with their neighbours, grant land to strangers who ask for it, though they must notify the chief and get his approval before giving so.

627 In the single great commoners settle disputes within their own
642 villages as the chief and great commoners together hear and decide cases within the chiefdom. Many of these legal actions are now settled in the Courts, but not all of them; and, even when cases are going to Court, preliminary hearings commonly take place before the chief, first. Cases are conducted with witnesses interrogated by chief and great commoners together, and the decision which the chief pronounces is an expression of their general opinion.

[illegible] Among the great commoners there is an order of seniority. The
629 leaders of the two senior age-villages of the chief's own men play a prominent part at his "Coming Out," they each have a pre-eminent authority in one side of his chiefdom, and the other great commoners rank as their juniors, some on one side, some on the other. In the old days the two senior great commoners each led a whole side of the chiefdom in war.

623 The two most effective checks on the power of a chief are migration
[illegible] and witchcraft. Military strength used to depend upon the number of a chief's adherents, so to-day the scale of his salary is similarly dependent; men are quite free to move, and there is a constant flow of adherents from unpopular to popular chiefs. But unpopularity is most feared in its spiritual form of witchcraft. We have seen already that an adverse current of opinion is believed to act invisibly, as the "breath of men," against an unpopular member of a village and to make him sick. So also the adverse opinions of a single village or of a whole chiefdom is believed to have power against a chief, to bring sickness or even death upon him. As in the single village, so in the whole chiefdom the great commoners are the prime sources of this spiritual power; they are believed severally to protect the members of their own villages and jointly to protect their

brothers, and this is compelling the increasing and continual fragmentation of holdings at time of inheritance. Even so, if there are several brothers (i.e. sons of the deceased) the youngest among them may still be unable to obtain a plot, or at least not one of an economically viable size, and they are then compelled to try to gain inheritance to some other village on sufferance, there to be allocated land.

The shortage of land is, therefore, not only making inheritance very considerably more important, but it is pointing to the establishment of new kinship attitudes and a redefining of fraternal relations. The position is most confused at the moment as the old system continues to exist alongside the new, sometimes more or less successfully, but often in irreconcilable opposition. At the present time the observer can only mention general tendencies, for it is impossible as yet to foresee what the eventual result will be, and there are, in any case, many other factors involved besides those of the inheritance of scarce land.

In so far as we are primarily concerned with land problems in this essay, the basic factors are that land is overly scarce, that there is virtually no alternative activity in the country to the arable use of the land, and that therefore each son must try to obtain a share in the often inadequate holding of his father. I suggest that no form of inheritance can deal with such a situation satisfactorily - at least it is highly doubtful if any has yet emerged in an area of land shortage in Eastern Africa - and that there are bound to be severe difficulties and a deterioration of inter-personal relations between near kinsmen who are most in competition. The new inheritance law of the Nyakyusa has narrowed the range of potential conflict from the patrilineal descendants of a grandfather to the sons of a single father; but if it has obviated possible hostility between the generations and between paternal cousins, it has also removed much of the common interest and mutual inter-dependence between them.

The Right to Land, and the Authority of the Village Headman

Although the traditional principle still exists that every villager has a right to arable land within the village boundaries, yet it is no longer possible to carry it out in practice. Every village headman, in my experience, attempts to ensure that each of his men has land, but he cannot always succeed, and most especially he cannot provide every one with as much land as he would like, because of their special limitation.

Nowhere any longer does the old principle now hold that an established villager may, without permission or notification, take vacant land into cultivation as part of his holding. When land becomes vacant it must now revert immediately to the village as a group, that is to the common pool from which the headman as village authority makes allocations. There are so many and such varied demands for land nowadays that no man acting on his own can presume to take up vacant land, and only the headman may decide allocation. No person can now obtain land, whether he be an established villager or not, unless he is allocated it by the headman - or, in the many large villages typical of the Lake Plains, by the headman's assistant, *ngwakyalo*, who is delegated authority in a section of the village.

Land becomes vacant when a man shifts to another village, when a man dies and leaves no active heir who desires to take up the deceased's holding, or (but seldom today) when a man gives up part of his holding due to his inability to use the whole of it. In all these cases the land is immediately re-allocated by the headman, probably not as a single unit any longer, as best he can among a crowd of land-hungry villagers - established men seeking extra land to meet the needs of growing families or for increasing cash-crop